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MONTANA LEGISLATIVE HISTORY

Chapter 501 19 93

Bill H 314 S _____ Original bill & history ____C

H. Committee on Fish & Game		S. Committee on Fish & Game	
Hearing Date(s) Feb 05	✓C	Hearing Date(s) Apr 06	✓C
Feb 16	✓C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 19	✓C	Apr 09	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 312 INTRODUCED BY FOSTER, ET AL.

CLARIFY COMMERCIAL USE OF BENEFICIAL USE TAX

BY REQUEST OF DEPARTMENT OF REVENUE

1/22	INTRODUCED		
1/22	REFERRED TO TAXATION		
1/22	FIRST READING		
1/27	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED		
1/30	2ND READING PASSED	97	2
2/03	3RD READING PASSED	95	2
	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO TAXATION		
2/16	HEARING		
3/02	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	49	0
3/05	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/10	SIGNED BY SPEAKER		
3/12	SIGNED BY PRESIDENT		
3/15	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 104		
	EFFECTIVE DATE: 10/01/93		

HB 313 INTRODUCED BY BARNHART, ET AL.

ALLOW NONRESIDENT COLLEGE STUDENT TO PURCHASE RESIDENT FISHING LICENSE

1/22	INTRODUCED
1/22	REFERRED TO FISH & GAME
1/22	FIRST READING
1/22	FISCAL NOTE REQUESTED
1/26	FISCAL NOTE RECEIVED
1/29	FISCAL NOTE PRINTED
2/04	HEARING
2/16	TABLED IN COMMITTEE

HB 314 INTRODUCED BY RANEY, ET AL.

DESIGNATE AND ESTABLISH CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS

1/22	INTRODUCED		
1/22	REFERRED TO FISH & GAME		
1/22	FIRST READING		
1/22	FISCAL NOTE REQUESTED		
1/26	FISCAL NOTE RECEIVED		
1/28	REVISED FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/09	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	76	24
2/20	TAKEN FROM ENGROSSING AND REREFERRED TO APPROPRIATIONS		
3/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/23	2ND READING PASSED	83	17
3/24	3RD READING PASSED	74	25
	TRANSMITTED TO SENATE		
3/26	FIRST READING		

3/26	REFERRED TO FISH & GAME		
4/06	HEARING		
4/07	COMMITTEE REPORT — BILL CONCURRED		
4/08	2ND READING CONCURRED	38	9
4/08	REVISED FISCAL NOTE PRINTED		
4/12	3RD READING CONCURRED	41	7
	RETURNED TO HOUSE		
4/20	SIGNED BY SPEAKER		
4/21	SIGNED BY PRESIDENT		
4/22	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 501		
	EFFECTIVE DATE: 10/01/93		

HB 315 INTRODUCED BY SIMON, ET AL.

ALLOW OPTOMETRIST TO USE CORTICOSTEROID

1/22	INTRODUCED		
1/22	REFERRED TO HUMAN SERVICES & AGING		
1/22	FIRST READING		
2/05	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED		
2/13	2ND READING PASSED	82	17
2/16	3RD READING PASSED	84	15
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/26	HEARING		
3/29	COMMITTEE REPORT—BILL CONCURRED		
3/31	2ND READING CONCURRED	45	3
4/01	3RD READING CONCURRED	46	3
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 306		
	EFFECTIVE DATE: 10/01/93		

HB 316 INTRODUCED BY COCCHIARELLA, ET AL.

REVISE NURSING HOME STAFFING LEVELS

1/22	INTRODUCED		
1/22	REFERRED TO HUMAN SERVICES & AGING		
1/22	FIRST READING		
1/22	FISCAL NOTE REQUESTED		
1/29	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/03	HEARING		
2/03	REVISED FISCAL NOTE RECEIVED		
2/05	REVISED FISCAL NOTE PRINTED		
2/10	TABLED IN COMMITTEE		
2/11	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	40	57

HB 317 INTRODUCED BY GILBERT, ET AL.

ESTABLISH FRAMEWORK FOR CONDUCT OF NEGOTIATED RULEMAKING

1/22	INTRODUCED		
1/22	FIRST READING		

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0314, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act designating and establishing certain Montana state parks as primitive parks; limiting development in primitive parks; eliminating user fees for Montana residents who visit primitive parks; and establishing a penalty for nonresidents who use primitive parks without paying the user fee.

ASSUMPTIONS:

Department of Fish, Wildlife and Parks:

1. Approximately 60% of state park visitors and park revenue is generated by resident visitors.
2. User fees would include both entrance and camping fees. The fee concept is fair to all users.
3. Earned revenue at the parks listed in section 2 of the bill was approximately $130,000 in FY92.
4. If the Thompson Chain of Lakes area is precluded by this bill from becoming a motorboat fishing access site, the $450,000 adopted by the Long Range Building Subcommittee for the improvement and protection of the area could only be used for other motorboat fishing access site development. Use of federal Dingell-Johnson funds are restricted.
5. In the long term, money saved on development of the sites listed in this act would be redirected to the development of other sites still eligible for development.

FISCAL IMPACT:

Revenues:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Resident User Fees	78,000	0	(78,000)	78,000	0	(78,000)

Net Impact: A decrease in park visitor revenue of $78,000 each year.

David Lewis 1-28-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE

STATE OF MONTANA — FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0314, third reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act designating and establishing certain Montana state parks as primitive parks; limiting development in primitive parks; and eliminating certain user fees for Montana residents who visit primitive parks.

ASSUMPTIONS:

Department of Fish, Wildlife and Parks:

1. Approximately 60% of state park visitors and park revenue is generated by resident visitors.
2. User fees would include both entrance and camping fees.
3. In the long term, money saved on development of the sites listed in this act would be redirected to the development of other sites still eligible for development.

FISCAL IMPACT:

Revenues:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Resident User Fees	27,700	0	(27,700)	27,700	0	(27,700)

Net Impact: A decrease in park visitor revenue from Montana residents who visit primitive parks of $27,700 each year.

Dave Lewis 4-8-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Bob Raney 4/8/93

BOB RANEY, PRIMARY SPONSOR DATE

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Klampe asked Representative Boharski who compiled the data with regard to the "$20 million need." Representative Boharski stated the information came from the Parks Future Study.

Senator Beck, referring to the fiscal note, asked Representative Boharski if the $2500 annual cost of meetings had been taken out of HB 463. Representative Boharski stated that was correct. Senator Beck asked if the technical notes on the fiscal note had been addressed by the House. Arnie Olsen, DFWP, stated counties would take the raw data and ship it to the DFWP. DFWP would compile the information and determine how much money and how many people designated it for which area, so the counties are not required to give those statistics; they just provide DFWP with the raw data. Mr. Olsen stated HB 463 addresses that issue on page 2.

Senator Devlin asked Representative Boharski if there were any county commissioners who would be opposed to HB 463. Representative Boharski stated Gordon Morris, League of Counties, gave mild opposition to HB 463 in the House. Ken Hoovestol said Gordon Morris had stated he no longer opposes HB 463.

Senator Christiaens asked Representative Boharski how the counties used this money previously. Representative Boharski stated the money gets distributed in the same manner as taxes on other property.

Closing by Sponsor:

Representative Boharski stated HB 463 would allow counties to have more money available to them to build and maintain the needed boat accesses in Montana.

HEARING ON HB 314

Opening Statement by Sponsor:

Representative Bob Raney, House District 82, stated HB 314 deals with "primitive" parks. Representative Raney distributed copies of a handout detailing the targeted primitive parks in Montana (Exhibit #4), and stated HB 314 would limit development at certain parks. Representative Raney said HB 314 would also give Montanans free access to these primitive parks. Representative

Raney stated with two of the parks, Headwaters and Thompson Falls, the Department will have the option of charging camping fees.

Proponents' Testimony:

George Ochenski, representing the Montana State Parks Foundation Action Fund, stated putting HB 314 together took a lot of work--the past two years being spent on research to come up with a comprehensive parks plan which would meet the needs of Montanans and the needs for maintenance of state parks. Mr. Ochenski stated many Montanans do not want these parks developed further, and the state can save money by merely maintaining those parks, rather than making improvements.

Wayne Hirst, President, Montana State Parks Foundation, stated in 1989 he became involved in this issue and visited all the parks in Montana which were accessible by road. Mr. Hirst stated that while some of the parks were in fairly good condition, most were not. It was determined that some sort of plan needed to be developed that would help these parks in the future, but not cost the state a lot of money. Mr. Hirst said HB 314 would allow for the primitive parks to remain just as they are, to appeal to those Montanans who do not want those parks improved and to spend the limited resources on those parks which have the greatest need. Mr. Hirst stated the parks listed in Exhibit #4 were not high-tourist parks, and it would not hurt the tourism industry to keep these parks as they are. Mr. Hirst urged the Committee's support of HB 314.

Kelly Woodward, representing the Montana Senior Citizens Association, stated she is in support of HB 314 as many senior citizens enjoy using these parks, and many do not want to pay the user fees. Ms. Woodward urged the Committee's support of HB 314.

Pat Graham, Director, DFWP, spoke from prepared testimony in support of HB 314 (Exhibit #5).

Opponents' Testimony:

None.

Informational Testimony:

Matthew Cohn, representing the Montana Department of Commerce, clarified himself as a no-opponent and stated he supported the concept of HB 314, but not the differential fee structure between residents and non-residents.

Questions From Committee Members and Responses:

Senator Crippen asked Representative Raney to respond to the issue of the fee structure. Representative Raney stated the fee structure is in response to the Montanans who want a few parks in

the state to be free and primitive to the residents of the state. He added that the fee structure is within the law.

Senator Crippen asked Representative Raney what criteria was used in selecting which parks were to be designated as primitive. Representative Raney stated when HB 314 was initially brought forth, the criteria used was that the parks were to be recreational parks which the citizens in the particular area utilized. Another criteria was that the parks were to be low-use parks. Senator Crippen asked if the DFWP was involved in the selection of the parks. Representative Raney stated the Department was not in the beginning, but was involved later.

Senator Crippen asked Wayne Hirst why the park at Lake Mary Ronan was included in the list. Mr. Hirst stated that while there are developments around that particular park, the developments are not visible from the park. Mr. Hirst said, therefore, the park met the criteria to be a primitive park.

Senator Mesaros asked Representative Raney how many state parks currently collect user fees. Representative Raney stated most of the state parks do collect user fees, either through FTE's, volunteers, or collection boxes. Senator Mesaros asked how the non-resident user fee will be administered. Representative Raney said it would be collected as it is now. In the case of the parks utilizing collection boxes, the collection would be based on the honesty of the user to pay the user fee.

Senator Devlin asked Pat Graham if the Department would police the collection of the fees. Mr. Graham stated the Department would police the collection, as it is revenue for the Department. Mr. Graham stated by not collecting the non-resident fees, the Department could stand to lose approximately $12,000 in revenue.

Senator Devlin asked Representative Raney if there had been any attempt in the House to make these parks open to the public and forget about the fees. Representative Raney stated there was discussion along that line.

Senator Bianchi asked Pat Graham how many of the proposed parks are currently collecting user fees. Mr. Graham distributed copies of a handout (Exhibit #6) which provided that information.

Senator Brenden asked Pat Graham how he felt about paying someone to collect the fees. Mr. Graham stated in most of the parks proposed, fees are collected either through the collection boxes or volunteers. In other areas people who maintain the parks and collect fees have several parks they are responsible for.

Closing by Sponsor:

Representative Raney stated the Department would have no problems collecting the non-resident user fees. He said HB 314 is a good

idea, and many Montanans are in favor of setting certain parks aside to be maintained as they are and to be used, at no cost, by the residents of the state.

HEARING ON HJR 24

Opening Statement by Sponsor:

Representative Chase Hibbard, House District 46, stated HJR 24 is intended to develop a plan whereby outfitters, sportspersons, and landowners can identify problems which need to be addressed, identify what can be done to minimize those problems and still accomplish what needed to be accomplished. Representative Hibbard stated HJR 24 is not intended to be an advocacy document for any one group, and attempts to make it more specific have been rejected. Representative Hibbard said the reason for this is the strong feeling that the groups involved should be encouraged to come up with the solutions to the problems they are facing.

Proponents' Testimony:

Stan Bradshaw, representing the Montana Bowhunters Association, state he supported HJR 24 and applauded Representative Hibbard for the effort he put in. Mr. Bradshaw stated by having HJR 24 loosely structured, the needs of all involved will be better served. Mr. Bradshaw said HJR 24 is the right thing to do, and the risk of failure cannot be any greater than what has already happened in this Session. Mr. Bradshaw stated HJR 24 puts the burden of a solution where it belongs--with the groups most directly involved in the conflicts.

Jim Richard, representing the Montana Wildlife Federation, stated he supported HJR 24. Mr. Richard said HJR 24 is not a study, but rather a means of resolving conflict. HJR 24 sets up a mechanism to address the conflicts, and the strength in this approach is that it encourages a bottom-up, grass roots sort of effort to find solutions. Mr. Richard stated HJR 24 allows for the DFWP to act not as the administrator, but as the provider of information needed to resolve problems. Mr. Richard said one result of HJR 24 will be that in the future, proposals coming before the Legislature will at least have been discussed in a group representative of the groups involved.

Jean Johnson, Executive Director, Montana Outfitters and Guides Association, stated she supported HJR 24. Ms. Johnson stated there has been a lot of negative feelings toward outfitters and guides, and she would like to see something done to better relations among all groups involved. Ms. Johnson submitted copies of amendments she would like to have considered (Exhibit #7).

he could not speak for all the sportsperson groups in Montana, there seemed to be overwhelming support from those groups for HJR 24.

Senator Klampe asked Pat Graham what had resulted from the landowner-sportsperson committee Governor Stephens had appointed. Mr. Graham stated that group has only met twice and has been formulating priorities. Mr. Graham said that group was primarily a forum for communication and interchange of information; the committee was not given a specific responsibility to resolve anything. Senator Klampe expressed his doubts about HJR 24 actually accomplishing anything. Mr. Graham stated he did not share Senator Klampe's concerns.

Senator Christiaens asked Representative Hibbard if he felt the House would accept HJR 24 if it was amended in this Committee. Representative Hibbard stated he could not speak for the entire House, but that HJR 24 was perhaps the most talked about piece of legislation on the House floor. Representative Hibbard said that he feels if HJR 24 is amended, it would end up in a conference committee. Senator Christiaens asked Representative Hibbard what the vote was for HJR 24 on the House floor. Representative Hibbard said the vote was 99 to 1.

Closing by Sponsor:

Representative Hibbard stated there is a need for a study such as this that is not highly structured so as to lead to some real solutions to the problems and conflicts among the groups involved. Representative Hibbard said the time has come for something different--a non-traditional approach--in order to put the conflicts in perspective.

EXECUTIVE ACTION ON HB 463

Motion/Vote:

Senator Brenden moved HB 463 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 314

Motion:

Senator Klampe moved HB 314 BE CONCURRED IN.

Motion/Vote:

Senator Mesaros made a substitute motion that HB 314 be TABLED. The motion FAILED by Roll Call Vote.

Vote:

The BE CONCURRED IN motion CARRIED by Roll Call Vote.

EXECUTIVE ACTION ON HJR 24

Motion/Vote:

Senator Mesaros moved HJR 24 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 5:00 p.m.

Senator Bob Pipinich
SENATOR BOB PIPINICH, Chair

Kathy Collins
KATHY COLLINS, Secretary

BP/kc

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 4-6-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Jacobson	X		
Senator Bianchi	X		
Senator Christiaens	X		
Senator Crippen	X		
Senator Beck	X		
Senator Mesaros	X		
Senator Devlin	X		
Senator Brenden	X		
Senator Klampe	X		
Senator Forrester			X
Senator Pipinich	X		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

April 7, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 314 (third reading copy -- blue), respectfully report that House Bill No. 314 be concurred in.

Signed: Senator Bob Pipinich
Senator Bob Pipinich, Chair

Amd. Coord.
Senator Carrying Bill

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ROLL CALL VOTE

SENATE COMMITTEE Fish & Game BILL NO. HB3

DATE 4-6-93 TIME 3:00 A.M. (P.M.)

NAME	YES	NO
Senator Jacobson		
Senator Bianchi		✓
Senator Christiaens		✓
Senator Cripper		
Senator Bick	✓	
Senator Mesaros	✓	
Senator Devlin	✓	
Senator Brenden		✓
Senator Klampe		✓
Senator Forrester		
Senator Pipinich		✓

Ko Lhy
SECRETARY

Pipinich
CHAIR

MOTION: Table

ROLL CALL VOTE

SENATE COMMITTEE Fish & Game BILL NO. HB 314

DATE 4-6-93 TIME 3:00 A.M. (P.M.)

NAME	YES	NO
Senator Jacobson		
Senator Bianchi	✓	
Senator Christiaens	✓	
Senator Cripper		
Senator Bick		✓
Senator Mesaros		✓
Senator Devlin		✓
Senator Brenden	✓	
Senator Kramer	✓	
Senator Forrester		
Senator Pipinich	✓	

Kathleen Williams
SECRETARY

Pipinich
CHAIR

MOTION: BCI

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE 4-6-93
BILL NO. HB 314

MONTANA STATE PARKS SYSTEM

Proposed "Primitive" Parks - a brief description of each:

Note that all of these Parks were visited in 1989, and that some improvements may have been made to them since that time, but would have been minor.

The noted Parks are grouped by the Regions they are located in.

Region #1, Kalispell:

Thompson Falls State Park:

A wooded area along the Clark Fork River, west of Thompson Falls, with 33 designated campsites, and two picnic sites. It is rocky along the river, and there was no boat ramp there in 1989.

FY 93 budget - 16,053

CY 92 Fee income - 7,694

Lambeth State Park (Lake Mary Ronan):

This is a "fisherman's" park located on Lake Mary Ronan, 7 miles west of Flathead Lake. The road is paved to within 1.5 miles of the Park, and there are 27 designated campsites there, and alot of private land surrounding it, with cabins and "resorts". The entire area is wooded, and the boat ramp was in fair shape, although it ended 6 feet into the lake (with a warning sign). There was a small dock, and the roads within the park were a little rough.

FY 93 budget - 15,744

CY 92 Fee income - 9,399

Wild Horse Island:

This is a large island in Flathead Lake, accessable only by boat, and was not visited. It is largely natural, with some private cabins on the island, and had no overnite camping facilities.

Region #2, Missoula:

Council Grove State Park:

The site where the historical Hellgate Treaty was signed west of Missoula, along the Clark Fork River. This is a very nice area of Ponderosa Pines, and grass, along the river. There are historical interpretive signs, as well as some picnic areas, with no camping available. Overall, an important historical park, in a beautiful setting along the Clark Fork River.

Lost Creek State Park:

This is a nice park located in a canyon near Anaconda, with a paved road to within a couple miles. There are 24 designated campsites, which are not very well used (on an August saturday night, only one other party was camped there). There is a waterfall right above the park, which is accessable by wheelchair on a short paved trail. The water available here is by hand pump only.

FY 93 budget - 10,572

CY 92 Fee income - 5,787

Painted Rocks State Park:

Located on the Painted Rocks Reservoir (a DNRC irrigation reservoir) about 43 miles south of Hamilton, near the Idaho border. There are 30 designated campsites, and 3 identified campsites, and it is not very well used. The reservoir is subject to severe drawdowns, leaving this area high and dry later in the summer. It is a wooded area, with private cabins around, two picnic shelters, and a good boat ramp. (many campsites were not "completed").

FY93 budget - 9,485

CY92 Fee income - 1,621

EXHIBIT 4
DATE 4-6-93
HB 314

Region #3, Bozeman:

Beaverhead Rock State Park:

A large "rock" landmark, northeast of Dillon along the river, which was identified by Sacagawea for the Lewis & Clark Expedition, where she said that the Shoshonis would be camped not far beyond. This area is undeveloped, with difficult accessability, and mainly viewed from the highway across the river, with an interpretive sign south of the "rock" on Hwy. #41.

Madison Buffalo Jump State Park:

This is an old buffalo jump located south of I-90, west of Bozeman, along the edge of the Madison River valley. It is an excellent example of an old buffalo jump, with interpretive signs, and hiking trails, with old teepee rings still there on the hill to the northeast. There is a shelter with the interpretive signs, and a picnic area, and a hand water pump, which was "broken" when visited. This is a dry area on the hills bordering the Madison River valley (with a ranch house located across the road), but is a nice historical/cultural area, with good history and beautiful views of the valley. No camping area.

Headwaters State Park:

This is a beautiful area at Three Forks, the starting point of the Missouri River and rich in history. It is off I-90 and the highway goes through it to the Trident cement plant located about 1 mile downstream. There is a campground with 17 designated sites that can be overrun with mosquitoes, and a picnic and display area. The display area has historical interpretive signs, flush toilets and drinking fountain. The picnic area is perhaps the nicest one in the State, with a beautiful lawn under large cottonwood trees next to the Gallatin River (there was some "winter kill" of these cottonwoods, and the spot has not been visited since the "winter kill" by this author). The boat access area has a few camping spots there (with less mosquitoes), and the boat ramp is in fair shape.

There is excellent hiking on "Fort Rock", with excellent views, the remains of the old Gallatin City Hotel are here, along with some pictographs, and some old "pioneer" graves.

FY 93 budget - 32,954

CY 92 Fee Income - 21,404

Region #4, Great Falls:

Sluice Boxes State Park:

Located south of Belt heading towards Kings Hill, this park is undeveloped, and consists of a parking area to go hiking up the river, where the canyon gets narrow. There is an old railroad grade going up the canyon, but the trail is not developed, and the creek must be forded furthur up. There was no information on this trail, or the history of the area when visited. Overall, undeveloped, and a beautiful hike.

FY 93 budget - 6,389

No fee income

Ackley Lake State Park:

A small, nice reservoir in the Judith Basin 6 miles south of Hobson. It was in good shape, with 18 designated campsites, and 17 picnic shelters, and 2 hand pumps for water. It's not very big, but alot of people use it, as there are few other lakes in the area. There are few trees, and no inflow to the lake could be seen. The lakeshore was gravel, not mud. (Appeared to be mainly day use).

FY 93 budget - 18,876

CY 92 Fee income - 4,888

Region #5, Billings:

Deadman's Basin State Park:

A fairly large reservoir near Harlowton, with 31 designated campsites, two picnic shelters, and no water available when visited. There are 5 "main" camping areas, and many people camp on the beach. There are private cabins located here, and it can be very windy. In past full pool years, erosion washed away part of the camping areas, and some previous roads. It's mostly used for fishing and water skiing, and the long boat ramp was very muddy when visited. All in all, it's a pretty "bleak" spot.

FY 93 budget - 16,175

No Fee income (no water).

Natural Bridge State Park:

This is a very beautiful area south of Big Timber on the Boulder River in the transition between Mountains and "flatter" country. There is a canyon flowing to a waterfall into a large basin, but the Natural Bridge collapsed in the late 1980's, and no longer exists. There are interpretive signs (with pictures of the natural bridge), a new wooden walkbridge across the canyon, and hiking trails. This is a day use area only, with a unique waterfall, and it looks like great fishing.

Region #7, Miles City:

Medicine Rocks State Park:

A beautiful wooded area of unique geological formations located between Ekalaka and Baker. There are 13 identified campsites, and one group use area. The hand pump by the entrance has some of the best water in the area. This area was used alot by locals, and hunters in the fall. (Note that there were many complaints by locals on entrance fees here). There is currently a proposal to turn this area back to the county, due to the fee complaints.
This area has burned since it was visited, and the effects of that are unknown to this author.

Pirouge Island:

This is a beautiful island in the Yellowstone River across from Miles City, and is undeveloped, used mainly for hiking. It can be prone to flooding, and is full of large cottonwood trees.

Note the two above parks are grouped together in budgets.

FY 93 budgets - 8,025

CY 92 fee income - 1,088

EXHIBIT 4
DATE 4-6-93
HB 314

SENATE FISH AND GAME
EXHIBIT NO. 5
DATE 4-6-93
BILL NO. HB 314

HB 314
April 6, 1993

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks before the Senate Fish & Game Committee

The Department of Fish, Wildlife & Parks continues to endorse the concept of providing a diversity of opportunities in our state park system, including the opportunity for a primitive experience. We currently manage a number of sites in primitive condition. Therefore, we support the intent of this bill.

We opposed certain elements of the initial bill, primarily because it had such a large fiscal impact. We also wanted the local users to know that they must come to the legislature in the future and amend this legislation if they want development that is prohibited by this bill.

However, we appreciate the sponsors' attempts to help fund State Park maintenance needs with HB 642. In supporting this bill, it is also essential that you support HB 642.

IMPACT OF HB314 -- LOST REVENUE

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Site	Resident/ Non-Res. Use	Lost Resident Revenue		
		Camping	Day Use	Total Lost Revenue
Lk.Mary Ronan	62/38	$2,690	$3,137	$5,827
Thompson Falls+	54/46	$0	$1,808	$1,808
Wildhorse Island	60/40	$0	$1,028	$1,028
Beaverhead Rock	60/40	$0	$0	$0
Lost Creek	60/40	$1,114	$2,359	$3,472
Painted Rocks	60/40	$438	$535	$973
Ackley Lake	90/10	$1,247	$3,152	$4,399
Sluice Boxes	60/40	$0	$0	$0
Deadman's Basin++	60/40	$765	$1,935	$2,700
Madison Buffalo Jump	60/40	$0	$2,501	$2,501
Natural Bridge	60/40	$0	$0	$0
Council Grove	60/40	$0	$0	$0
Pirogue Island	60/40	$0	$0	$0
Medicine Rocks	60/40	$110	$542	$653
Missouri Headwaters+	80/20	$0	$7,046	$7,046
TOTALS		$6,365	$24,043	$30,408

+ Resident camping fees will be collected

++ Estimate. Fees planned for 1994.

03/25/93

11:28 AM

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE 4-6-93
BILL NO. HB 314

DATE 4-6-93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: HB 463, HB 314, HJR 24

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Bill Leary	Canyon Ferry Rec. Assn.	HB 463	✓	
George Ochenski	MT. State Parks Endowment Action Fund	HB 314	✓	
Jean Johnson	MT Outfitters & Guides	HJR 24	—	
Dave Leyfield	MT Boating Assn	HB 463	✓	
" "	" " "	314		✓
Ken Hoovestol	MT. Boating Assn.	463	✓	
" "	" " "	314		—
David Ross	MT. Audubon Legislative Fund	463	✓	
Senator Ed Kennedy	Kalispell, MT	463	✓	
Jim Richard	MT. Wildlife Fed	HJR 24	✓	
Janet Ellis	MT Audubon Leg. Fund	HJR 24 HB 314	✓ ✓	
Matthew Cohn	MT Dept of Commerce	HB 314		✓ Fee structure
Craig Mokler	SELF	HJR 24	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

ATE 4-6-93

ENATE COMMITTEE ON Fish & Game

LLS BEING HEARD TODAY: HB 463, HB 314, HJR 24

Name	Representing	Bill No.	Check One Support	Oppose
Kelly Lee Rodriguez	MT Senior Citizens Assn	HB 314	✓	
Wayne Hirst	Mt. State Parks Foundation	HB 314	✓	
John Bloomquist	Mt. Stockgrowers	HJR 24	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

Closing by Sponsor:

REP. RYAN reported that in his conversation with the colonel at the base, he was reluctant to make it a mandatory part of orientation. **REP. RYAN** supported the concept of requiring those who would like to hunt to attend the hunter safety course. **REP. RYAN** felt that HB 381 will help educate military people on Montana hunting. He thanked the committee for their time.

HEARING ON HB 314

Opening Statement by Sponsor:

REP. RANEY, House District 82, Livingston, stated much thought and study has gone into the preparation of HB 314. He felt this bill will take Montana parks into the future. **REP. RANEY** distributed a Montana map with the targeted parks highlighted **(EXHIBIT 2)**. He distributed a list which contained a description of each park **(EXHIBIT 3)**. He distributed information sheets regarding primitive parks **(EXHIBIT 4)**. **REP. RANEY** circulated two amendments **(EXHIBIT 5** and **EXHIBIT 6)**. He distributed a fiscal note that he had prepared **(EXHIBIT 7)**. He distributed a 1993 Comprehensive Parks Plan **(EXHIBIT 8)**.

Proponents' Testimony:

Mr. George Ochenski, Montana Parks Foundation Action Fund, explained that the parks plan was put together by using Department information. HB 480 sets up a long-range parks maintenance trust. LC 1384 proposes using a percentage of the bed tax to fund park operations until the HB 480 becomes effective. HB 354 insures that the public has a voice in park decisions. A recent study indicates that half of the public does not want park facilities developed more. Currently this is the only plan available. No new taxes will be needed for this project. **Mr. Ochenski** felt that it is a comprehensive plan that involves the public.

Mr. Wayne Hirst, Montana State Park Foundation, asserted that parks are for protecting historical and cultural resources and for recreation. He felt there should be a recreation mix of developed and less developed parks. He believed that the limited resources should be applied to the parks that are developed.

Mr. Bob Barry, Montana Alliance of Progressive Policy, declared their support for HB 314. For low income people, recreational opportunities are limited. He felt the parks should provide a spectrum of opportunities for all people. There is a need for parks in which people can just pitch a tent. In smaller parks, the fees that are collected do not cover administrative costs. He urged passage of HB 314.

Mr. Tony Schoonen, Anaconda Sportsman's Club and Skyline Sportmen's Club, declared both organizations' support of HB 314

because it emphasizes opportunities for low-income people and tourists.

Mr. Mike Finnegan, Citizen, expressed his support of HB 314.

Mr. Clyde Daily, Executive Director for the Senior Citizen Organization, said that there are approximately 6,000 low- to middle-income senior citizens involved in the organization. He explained that there is an access problem for low income senior citizens. **Mr. Daily** pointed out that not all senior citizens are RV users. Many enjoy camping in a tent and experiencing the outdoors. He felt HB 314 was a good bill.

Mr. Pat Graham, Director of Fish, Wildlife, and Parks, distributed written testimony and two graphs regarding Montana's parks **(EXHIBITS 9, 10, and 11).**

Opponents' Testimony:

Ms. Evelyn Kerns, Montana State Good Sams RV Organization, declared that the majority of the members do not own 40 foot vehicles nor do they require amenities such as electricity, running water, etc. Many of them would like to go to primitive parks. She stated that she was unaware Montana had a tourist problem.

Ms. Jo Brunner, Executive Director of the Montana Water Resources Association, stated that three of the parks being considered for the project include irrigation storage facilities. There is no indication in the bill that the facilities will continue to be maintained. She felt that there should be language in the bill to include this concern.

Mr. Mark Daspit, presented a letter written by **Mr. Ed Zaidlicz (EXHIBIT 12).**

Ms. Janet Ellis, Montana Audubon Legislative Fund, distributed written testimony **(EXHIBIT 13).**

Mr. Clint Blackwood, Travel Montana Department of Commerce, stated their opposition to one section of HB 314 and that is the split in the resident and nonresident fees. He felt it may send a negative message to those wanting to visit our state parks. In speaking with other states, those that have tried instituting split fees have not had good results.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. RANEY said that most of the opponents addressed the tourists and the fees, but the Montana citizens were overlooked. He

wondered how much more study would be done before money was put into the parks system. The comprehensive plan by the Parks Futures Committee proposes 30 new FTE's and $6 millon in expenditures per year. **REP. RANEY** felt that the government should recognize Montana citizens' right to have a place to recreate. Some parks belong to Montanans. Sixteen recreational parks are being proposed to have fees eliminated. There are no resources available for further study. He stated that there would be no change to the irrigation storage facilities located

at some of the proposed park sites. He believes HB 314 is a well thought out bill and urged its passage.

HEARING ON HB 354

Opening Statement by Sponsor:

REP. HARPER, House District 44, Helena, explained that HB 354 aids in developing a long-range plan to implement the parks policy. It also ensures public involvement in the process. He stated that Spring Meadow Lake Park in Helena was bought by coal tax money. The park used to be undeveloped. The park was developed and fees were charged, and the public became upset. He stated this was one example where public involvement is vital. The fiscal note amounts to approximately $10,000 to $12,000 for the cost of the program.

Proponents' Testimony:

Mr. George Ochenski, Montana State Parks (MSP), stated HB 354 amends a bill passed last session. He believed it is important to put parks development policy in statute. The relationship between the MSP and the Department is good. He declared the public should be involved in many of the decisions having to do with the state parks. He urged passage of the bill.

Mr. Wayne Hirst, Montana State Parks, declared his support of HB 354.

Ms. Janet Ellis, Montana Audubon Legislative Fund, expressed the organization's support of HB 354.

Mr. Stan Bradshaw, Trout Unlimited, stated his support of HB 354.

Mr. Bill Holdorf, Skyline Sportsman Club, declared the organization's support of HB 354.

Opponents' Testimony:

Mr. Pat Graham, Director of Fish, Wildlife, and Parks Department, distributed written testimony **(EXHIBIT 14).**

CHAIRMAN FOSTER read a letter from **Mr. Ted & Ms. Dalyce Flynn (EXHIBIT 15).** Both opposed HB 354.

HOUSE OF REPRESENTATIVES

FISH & GAME

_____ **COMMITTEE**

ROLL CALL **DATE** 2/9/93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	X		
VICE-CHAIRMAN BOB REAM	X		
REP. BARNHART	X		
REP. CLARK	X		
REP. DAILY	X		
REP. ELLIOT	X		
REP. GRIMES	X		
REP. HANSON	X		
REP. KNOX	X		
REP. MCCARTHY	X		
REP. MOLNAR	X		
REP. ORR	X		
REP. RYAN	X		
REP. SWANSON	X		
REP. WAGNER	X		
CHAIRMAN MIKE FOSTER	X		

EXHIBIT 3
DATE 2/11/93
HB 314

MONTANA STATE PARKS SYSTEM

Proposed "Primitive" Parks - a brief description of each:

Note that all of these Parks were visited in 1989, and that some improvements may have been made to them since that time, but would have been minor.

The noted Parks are grouped by the Regions they are located in.

Region #1, Kalispell:

Thompson Falls State Park:

A wooded area along the Clark Fork River, west of Thompson Falls, with 33 designated campsites, and two picnic sites. It is rocky along the river, and there was no boat ramp there in 1989.

FY 93 budget - 16,053

CY 92 Fee income - 7,694

Logan State Park (Thompson Lakes):

A wooded area on the lake off Hwy. #2 between Kalispell and Libby, with two camping loops, and a good boat ramp, with a small dock. Has flush toilets, and is well used on the weekends, as well as by travelers on Hwy. #2.

FY 93 budget - 35,173

CY 92 Fee income - 15,984

Chain of Lakes:

This large area between Kalispell and Libby contains many lakes, and was donated by Champion International. It is currently leased by the State from the Conservation Fund, who owns the property until an EA and management plan is completed to satisfy the terms of the donation. It is currently being managed by the State as a fishing access site and citizen input shows the most support to be for keeping the area "as it is", with limited development. If this area is developed, it could be very expensive, but it could also be an ideal location for long term Conservation Corps projects.

Lambeth State Park (Lake Mary Ronan):

This is a "fisherman's" park located on Lake Mary Ronan, 7 miles west of Flathead Lake. The road is paved to within 1.5 miles of the Park, and there are 27 designated campsites there, and alot of private land surrounding it, with cabins and "resorts". The entire area is wooded, and the boat ramp was in fair shape, although it ended 6 feet into the lake (with a warning sign). There was a small dock, and the roads within the park were a little rough.

FY 93 budget - 15,744

CY 92 Fee income - 9,399

Westshore Flathead Lake State Park:

This is a fairly large, wooded area on the hillside overlooking Flathead Lake. The hillside is somewhat steep going down to the lake, and the camping areas and sites are dispersed. The roads within the Park are "oiled", and there is really no beach areas available. The boat ramp was in poor shape, and the Park was not a well used, as the campsites are located away from the water. Boat ramp parking was very limited near the ramp, due to the hillside. There were 30 designated campsites, and 3 identified campsites, along with a picnic area with an old "change house".
(Budget information not isolated)

Wild Horse Island:

This is a large island in Flathead Lake, accessable only by boat, and was not visited. It is largely natural, with some private cabins on the island, and had no overnite camping facilities.

Region #2, Missoula:

Lost Creek State Park:

This is a nice park located in a canyon near Anaconda, with a paved road to within a couple miles. There are 24 designated campsites, which are not very well used (on an August saturday night, only one other party was camped there). There is a waterfall right above the park, which is accessable by wheelchair on a short paved trail. The water available here is by hand pump only.

FY 93 budget - 10,572

CY 92 Fee income - 5,787

Exhibit 5
2-11-93
HB-314

Frenchtown Pond:

This is an old gravel pit off I-15, west of Missoula, and is used a a day use area, with no camping allowed, when visited. There were 24 designated sites, with 14 of them being just a "pull-in", with nothing else there. There are flush toilets here. The "pond" has a problem with moss growing in it later in the summer. There could be more shade

FY 93 budget - 20,762

CY 92 Fee income - 9,590

Painted Rocks State Park:

Located on the Painted Rocks Reservoir (a DNRC irrigation reservoir) about 43 miles south of Hamilton, near the Idaho border. There are 30 designated campsites, and 3 identified campsites, and it is not very well used. The reservoir is subject to severe drawdowns, leaving this area high and dry later in the summer. It is a wooded area, with private cabins around, two picnic shelters, and a good boat ramp. (many campsites were not "completed").

FY93 budget - 9,485

CY92 Fee income - 1,621

Region #3, Bozeman:

Headwaters State Park:

This is a beautiful area at Three Forks, the starting point of the Missouri River and rich in history. It is off I-90 and the highway goes through it to the Trident cement plant located about 1 mile downstream. There is a campground with 17 designated sites that can be overrun with mosquitoes, and a picnic and display area. The display area has historical interpretive signs, flush toilets and drinking fountain. The picnic area is perhaps the nicest one in the State, with a beautiful lawn under large cottonwood trees next to the Gallatin River (there was some "winter kill" of these cottonwoods, and the spot has not been visited since the "winter kill" by this author). The boat access area has a few camping spots there (with less mosquitoes), and the boat ramp is in fair shape.

There is excellent hiking on "Fort Rock", with excellent views, the remains of the old Gallatin City Hotel are here, along with some pictographs, and some old "pioneer" graves.

FY 93 budget - 32,954

CY 92 Fee income - 21,404

Region #4, Great Falls:

Sluice Boxes State Park:

Located south of Belt heading towards Kings Hill, this park is undeveloped, and consists of a parking area to go hiking up the river, where the canyon gets narrow. There is an old railroad grade going up the canyon, but the trail is not developed, and the creek must be forded furthur up. There was no information on this trail, or the history of the area when visited. Overall, undeveloped, and a beautiful hike.

FY 93 budget - 6,389

No fee income

Ackley Lake State Park:

A small, nice reservoir in the Judith Basin 6 miles south of Hobson. It was in good shape, with 18 designated campsites, and 17 picnic shelters, and 2 hand pumps for water. It's not very big, but alot of people use it, as there are few other lakes in the area. There are few trees, and no inflow to the lake could be seen. The lakeshore was gravel, not mud. (Appeared to be mainly day use).

FY 93 budget - 18,876

CY 92 Fee income - 4,888

Region #5, Billings:

Deadman's Basin State Park:

A fairly large reservoir near Harlowton, with 31 designated campsites, two picnic shelters, and no water available when visited. There are 5 "main" camping areas, and many people camp on the beach. There are private cabins located here, and it can be very windy. In past full pool years, erosion washed away part of the camping areas, and some previous roads. It's mostly used for fishing and water skiing, and the long boat ramp was very muddy when visited. All in all, it's a pretty "bleak" spot.

FY 93 budget - 16,175

No Fee income (no water).

Exhibit 3
2-11-93
HB-314

Region #7, Miles City:

Tounge River State Park:

This is a large area located on the Tounge River Reservoir right north of the Wyoming border near Sheridan. There are 5 different camping areas, with 63 identified campsites, but most people camp on the beach, with few using identified sites when visited. There is good crappie fishing with a marina, and only one water hydrant, along with 7 picnic shelters. This can have heavy use at times, with many Wyoming users. There is a camping site below the dam along the river that showed little use, which had two picnic shelters, and a fee sign .

FY 93 budget - 30,208

CY 92 Fee income - 37,903

Medicine Rocks State Park:

A beautiful wooded area of unique geological formations located between Ekalaka and Baker. There are 13 identified campsites, and one group use area. The hand pump by the entrance has some of the best water in the area. This area was used alot by locals, and hunters in the fall. (Note that there were many complaints by locals on entrance fees here). There is currently a proposal to turn this area back to the county, due to the fee complaints.
This area has burned since it was visited, and the effects of that are unknown to this author.

Pirouge Island:

This is a beautiful island in the Yellowstone River across from Miles City, and is undeveloped, used mainly for hiking. It can be prone to flooding, and is full of large cottonwood trees.

Note the two above parks are grouped together in budgets.

FY 93 budgets - 8,025

CY 92 fee income - 1,088

B. We have been unable to develop a partnership with the Department of Transportation. Road related needs are over 40% of our total park improvements needs.

C. Despite progress in our relationship with Department of Commerce and the Tourism Division, there remains an imbalance in favor of promotion over maintaining and enhancing the park system facilities. Each year, we get more and more letters from non-residents who threaten never to return to Montana for vacations due to bad experiences in State Parks with poorly maintained facilities despite the quality natural and cultural resources.

D. The dichotomy between the attitudes of Montanans remains a challenge. Half of the residents seem to want much better facilities, as do our non-resident visitors. The other half want primitive facilities and seem not to support better quality.

E. There remain some parks which are threatened by inholdings or lack of protection from conflicting uses and we have no resources to combat the threats.

F. We have had a continued array of unexpected financial setbacks which thwart our progress.

1. Comp time pay out to non-exempt employees.

2. Cuts of our general fund in both special legislative sessions.

3. An over-payment of motorboat fuel tax to Parks by the Dept. of Revenue which had to be paid back after it was spent.

4. Low water in 1992 affecting fee collections from users of the Smith River, other water-based sites and some concessionaires.

/. CURRENT FUNDING CRISIS

ROBLEM

\s of summer 1992, Parks was projected to be about $900,000 in the red in operations by the end f the next biennium if no new funding was forthcoming. There was an additional deficit of several illion dollars for the capital program. The shortfall was primarily in the Coal Tax, Motor Boat Fuel ax, General Fund and Earned Revenue sources. With an internal adjustment in overhead rate alculations and more optimistic coal tax projections, the total deficit for two bienniums of $6.5 illion may be $600,000 less. The implications of this would vary depending on whether the dditional revenue is used for operations or capital.

MPLICATIONS

Montana is on the verge of whether or not it will have a viable State Park System. This deficit will nean we can't meet our payroll next biennium and needed improvements and resource protection will not occur. We are spending more than we are taking in (the same problem as the rest of state government). If we don't get funding relief, it could mean the following next biennium:

1) Layoff permanent and seasonal personnel
2) Walk-in only at some state parks
3) Termination of camping at some parks
4) Shortening of full service season to July/August only
5) Other service reductions
6) Failure to preserve historic resources and improve sites

WHY ARE WE IN THIS POSITION?

1) Declining interest rates nation-wide affecting Coal Trust earnings.

2) Inflation at 4% minimum annually with no adjustment in funding sources.

3) Dept. of Revenue error in allocating too much Motor Boat Fuel Tax money and now they want the over-payment back.

4) Increased public demand on most sites with visitation increasing 10% per year.

5) Declining facility condition resulting in more maintenance costs to provide the same service.

6) Most account surpluses have been depleted in an attempt to provide consistent public service.

7) The 1991 Legislature provided only half of what was we needed to keep from going backwards.

WHAT WE HAVE DONE IS NOT ENOUGH

We have transferred several sites, formed public and private partnerships, had private fund-raising projects, adjusted our fee system and raised fees, increased our marketing efforts, sold goods for revenue, adjusted concession fees, worked on our profile and image, surveyed the public, conducted supporting research, and reviewed internal department funding sources, but these efforts are not enough. We must have new revenue, or our Parks and historical heritage will continue to deteriorate.

OTHER OPTIONS

1) Closing Parks - Parks which have used federal Land and Water Conservation Fund (LWCF) dollars are required to remain open or we face federal penalties including paying the full value of the site to the Feds (almost all have LWCF).

2) Selling Parks - We can't legally sell parks which have used federal dollars without replacing them at current full market value. Therefore a large financial investment would need to be made before we could further reduce the size of the Park System.

3) Reduce spending on low priority parks - Currently, ten parks have no development or budgets and another seven have only minimal services. We spend about 50% of our budget on five parks, 43% on another 20 parks, and only 7% is spent on the 27 lower priority parks. We have already exercised our options to reduce spending on all state parks without significantly cutting services.

WHAT ABOUT THE NEW RECREATION MONEY WE HAVE BEEN HEARING ABOUT?

Montana may receive $500,000 in federal trails funds and has received an equivalent one-time amount in federal Conservation Corps dollars. None of these funds can be used to help bail out the shortfall in the parks base programs because they are earmarked for other specific purposes by federal law. They can, however, enhance recreational opportunities in Montana.

WHAT CAN YOU DO?

1) Spread the word with people you know or have influence with concerning the values, needs and opportunities facing State Parks and the implications if funding is not obtained.

2) Encourage those you know to make their feelings known to their legislators.

3) Invite a parks person, a Park Futures Committee member, or someone else from FWP to speak to a group you are involved with or can influence to tell the Parks story.

EXHIBIT
DATE 3/9/93
HB 314

Amendments to House Bill No. 314
White Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Title, line 6.
Following: "PARKS;"
Insert: "AND"

2. Title, lines 7 through 10.
Strike: ";" on line 7 through "MCA" on line 10.

3. Page 4, lines 16 and 17.
Strike: "and" on line 16 through "charges" on line 17

4. Page 4, line 18 through page 6, line 3.
Strike: section 5 in its entirety
Renumber: subsequent section

EXHIBIT 6
DATE 2/9/93
HB 314

Amendments to House Bill No. 314
White Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Page 3, line 2.
Following: "park;"
Insert: "and"

2. Page 3, lines 3 and 4.
Strike: subsection (16) in its entirety
Renumber: subsequent subsection

EXHIBIT
DATE 2/9/93
HB 314

SPONSOR'S FISCAL NOTE
HB0314, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: Legislation establishing the Montana Primitive Parks Act. Maintaining certain State Parks at their current level of development, allowing improvements to meet health, safety, access and use needs; removing user fees for the citizens of Montana.

ASSUMPTIONS:
1. Approximately 60 % of state park visitors and park revenue is generated by resident visitors, with some exceptions.
2. Userfees would include both entrance and camping fees. The fee concept is a regressive tax; it discriminates against low income citizens of Montana.
3. Earned revenue at the parks listed in section 2 of the bill was approximately $130,000 in CY92.
4. In the long term, money saved on development of the sites listed in this act would be redirected to the development of higher priority sites.

FISCAL IMPACT:
See attachment

Revenues:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Resident User Fees	59,304	0	(59,304)	59,304	0	(59,304)

Costs:
It is difficult to estimate long term improvement savings due to the unpredictability of available future resources. However, savings could be substantial, as the 6 year capital project needs of Montana State Parks generated on a computer matrix several years ago (total capital needs were approximately $60 million) listed Road/Trail/Parking needs at the Westshore Flathead Lake Park only, at $728,640.

Wayne Hirst 2-8-93
WAYNE HIRST DATE
Hirst & Associates

Bob Raney 2/9
BOB RANEY, PRIMARY SPONSOR DATE

Attachment to Fiscal Note for HB 0314

Potential loss of fee income with passage of HB 0314:

Park	CY92 Fee Income	Assumed % Residents	Loss
Thompson Falls	7,694	60	4,616
Wild Horse Island	1,714	60	1,028
West Shore Flathead Lake - N/A - Income was grouped			
Logan (Thompson Lakes)	15,984	60	9,590
Lake Mary Ronan(Lambeth)	9,399	60	5,639
Lost Creek	5,787	60	3,472
Frenchtown Pond	9,590	80	7,672
Painted Rocks	1,621	60	973
Sluice Boxes	0	-	0
Ackley Lake	4,888	80	3,910
Headwaters	21,404	40	8,562
Deadman's Basin	0	-	0
Toungue R. Reservoir	37,903	20	7,581
Medicine Rocks & Pirouge Island	1,088	80	870
Total Fee Reduction			53,913
Plus 10% for West Shore Park (not included)			5,391
Net Fee Reduction			59,304

Assumptions: Frenchtown Pond and Ackley Lake are mainly used by residents.
Headwaters is visited more be non-residents, as it's on I-90.
Toungue R. Reservoir is used predominately by Wyoming residents, as it's right north of Sheridan, Wyoming.

HB 314

EHENSIVE PARKS PLAN - 1993

Fund

nked legislation, carefully crafted in response to
g Montana's state parks.

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reasing spiral

Funding & Comprehensive Planning - HB 480

Current Maintenance Requirements - LC 1384

term expenditures - HB 314

apped at $100
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ublic involvement in future actions - HB 354

tments.

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range plan is

this package of bills provides a comprehensive
ana's state parks system that ensures:

k users,

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ıg that does not rely on an ever-increasing
fees

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nding on parks needs, not administration

e with the

nt work force - Montana Conservation Corps

public desires for recreational opportunities

ate sources of funding - No New Taxes!!

e Policy for Present & Future Needs!

Exhibit 8
2-9-93
HB-314

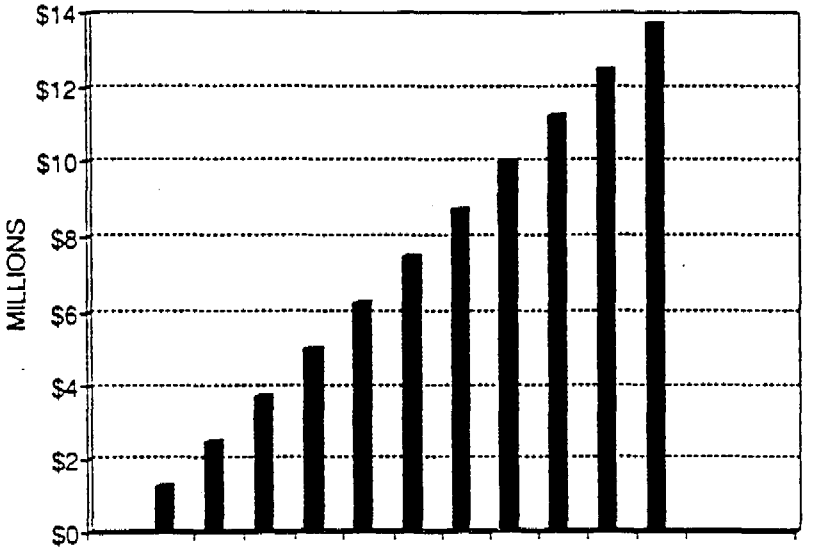
The Numbers:

LFA estimates Resource Indemnity Trust revenue income to be approximately $5 million per year. At this rate, the Resource Indemnity Trust will be capped in 1995 or 1996.

HB 480 allocates 25 percent or $1.25 million per year in the **Parks Maintenance Trust.**

Existing interest rates on Board of Investments-managed Trust funds is about 8-10 percent return.

DEPOSITS TO PARKS MAINTENANCE TRUST



Conclusion:

Establishing the **Parks Maintenance Trust** provides a **continuous, long-term source of reliable funding** for parks maintenance needs.

The development of the mandatory Long-Range Comprehensive Plan ensures **appropriate spending with full public oversight and involvement.**

LC 1384 - Meeting Maintenance Requirements Using the Montana Conservation Corps

The Need:

Park use is growing at 10 percent per year. Urgent maintenance is required to protect the resources of Montana's State Park System.

The Proposal:

Use $500,000 per year of Bed Tax revenues (approx. 7 percent) to fund **parks maintenance** requirements.

This revenue can only be spent by the **Montana Conservation Corps** for **maintenance of state parks.** Parks improvements may be funded once all maintenance projects are completed.

The Numbers:

The Lodging Facility Tax (Bed Tax) has grown significantly since its establishment. The projected revenues from this source of funding are estimated to be approximately $7 million per year in the next biennium.

Tourism is growing at an average rate of 10 percent a year. Park use closely parallels this rate. Given a static Montana population, it is reasonable to expect a portion of the increased park use pressure is being generated by tourists.

The bed tax, which is used to advertise Montana and bring more tourists to the state is an appropriate source of funding for the maintenance of the "advertised product" - state parks.

Exhibit 8
2-9-93
HB-314

HB 314 - Primitive Parks Act: Long-term Savings by Meeting the Public's Recreational Desires

The Need:

The Parks Division's 1992 Status Report notes:
"The dichotomy between attitudes of Montanans remains a challenge. Half of the residents seem to want much better facilities, as do our non-resident visitors. ***The other half want primitive facilities and seem not to support better quality."***

Montanans want a recreational "mix."

The state's fiscal condition demands that scarce resource dollars be spent in the most efficient manner possible.

The Proposal:

Put sixteen of the least developed parks into a developmental freeze. Allow on-going maintenance and improvements necessary for health & safety.

Remove access and camping fees for Montana residents. Maintain user fees for non-residents and increase fine to $100 for non-resident violations.

Re-direct scarce resources to more developed sites; realize long-term savings through limiting development; Provide recreational "mix"; remove economic access barrier to low or fixed income Montana citizens.

The Numbers:

The Department's own recommendation to meet current spending requirements on limited revenue includes the following option:

*"**Reduce spending on low priority parks** - Currently, ten parks have no development or budgets and another seven have only minimal services. We spend about 50% of our budget on five parks, 43% on another 20 parks, and only 7% is spent on the 27 lower priority parks."*

Long-term savings through developmental "freeze" at these parks is estimated at approximately $6 million.

Estimated "costs" of removing access and camping fees for Montana residents is $59,304.

This so-called "lost revenue" would be compensated for by the short-term funding available through LC 1384, which provides $500,000 per year to be used on parks maintenance to be performed by the Montana Conservation Corps.

In the long term, all such "losses" incurred by the removal of economic access barriers to state parks would be compensated from the Parks Maintenance Trust contained in HB 480.

Conclusion

The Primitive Parks bill accomplishes more by doing less. In meeting the recreational demands of citizens, we save money and remove economic access barriers for Montana residents. Positive positioning for Parks is likely to result with concurrent support for both the division and the department as a whole.

Exhibit 7
2-9-93
HB-314

HB 354 - Interactive Citizen Involvement in Parks Development Decisions

The Need:

Parks developmental needs can best be determined through close contact with the citizens of Montana.

Citizen involvement in parks development strengthens the process and builds support and credibility for the division and the department as a whole.

The Proposal:

Amend the Parks Development Policy Act to involve citizens in decisions resulting in acquisition, divestiture, management exchanges, imposition or increases in fees, limitation of access through physical barriers, or construction of toll booths at state parks and fishing access sites.

The Numbers

The small additional costs estimated to comply with the citizen notification and involvement provisions of the bill are likely to be offset by good ideas from citizens, and perhaps a need for less development than the department planned for.

Conclusion:

Involving citizens in parks decision-making will strengthen the process, add credibility and build support for the division and the department.

EXHIBIT 9
DATE 2/9/93
HB 314

HB 314
February 9, 1993

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks before the House Fish and Game Committee

The Department of Fish, Wildlife & Parks endorses the concept of providing a diversity of opportunities in our state park system, including the opportunity for a primitive experience. We currently manage a number of sites in primitive condition. Therefore, we support the intent of this bill.

I would like to review two issues we believe the committee should consider: First, whether this is the appropriate means to identify and classify primitive parks, and the second issue includes revenue and fees.

One question you need to consider is whether or not this bill is the appropriate way to address designation and management of primitive parks. We believe an alternative approach could be taken to achieve the same result. It could be done through development of a comprehensive plan for the state park system during the coming biennium.

The Fish, Wildlife & Parks Commission has sufficient authority to designate parks under 23-1-102 MCA, which gives them discretion to:

> "designate land under its control as state parks, state historic sites, state monuments, or by any other designation it considers appropriate, remove or change the designation of any area or portion, and name or change the name of any area as designated."

The principal advantage of a comprehensive plan is involvement of the public in decisions which involve potential changes in park use and development.

Many state parks fulfill a role between totally primitive sites like those found on much of the state's federal land and totally developed sites like those provided by private businesses with services such as laundromats and satellite TV hook-ups. Of the total 22,400 designated campsites in the state, 63% are private, 30% are federal, 1% are state Fishing Access Sites, and 6% are in state parks. Most USFS and BLM lands provide free and primitive opportunities to Montanans. Also, the majority of our state park system remains in a primitive condition. A total of 87% of park improvements are considered primitive or relate to developments needed to protect resources, provide visitor safety, or reduce maintenance and vandalism.

We have not have not yet developed a comprehensive plan because we have directed all our energies the past two years into activities to cut costs, increase efficiency, enter partnership agreements, turn sites over to the federal government, build volunteer programs and many other self-help measures. Unfortunately, these efforts alone cannot make up the deficit and stop the deterioration of our parks.

We recognize the concern many Montanans have about the potential overdevelopment of some state parks. We do not intend to overdevelop these sites, nor do we have the money. But some of our publics want assurance. We believe a comprehensive plan can provide that assurance. The State Parks Futures Committee formed by Governor Stephens recognized this need, along with the need for a more sound funding base for state parks.

Development of a comprehensive plan would require redirection of administrative staff unless alternative funding is forthcoming this session. We are prepared to take that step.

If, however, the committee chooses to move ahead with this bill we would suggest several amendments that would: 1) assure compliance with the Federal Americans Disabilities Act, 2) provide for historic and cultural preservation, 3) amend the sites on the list, and 4) sunset in two years.

The first and second amendments are to ensure we can provide facilities for disabled visitors required by federal law and to perform needed preservation work at selected sites if funding is available. For the third amendment, we would develop a list of sites in truly primitive or semi-primitive condition. The attached table indicates that several of these sites are semi-developed or developed. The fourth amendment would sunset the bill in two years following development of a comprehensive plan.

The other issue addresses the removal of resident fees at the sites designated in this bill. First, the commission currently has the authority (23-1-105 MCA) to set park fees. Second, the result of this bill would be to reduce income. We recognize this is part of the sponsors overall plan to fund parks. Our concern is that we do not end up losing much needed funds if the companion bills do not become law. Third, although we do not charge fees at all of our sites now, we do feel there is an added benefit of fees in addition to revenue. People who pay fees may be less likely to vandalize the park site. Also, not charging resident fees may increase use, and thus increase operating costs if the proper sites are not selected. Why use the restroom and garbage facilities at a site where fees are collected if you can use a site where they are free.

HB 314

Site	Acreage	Earned Revenue (CY92)	Projected HB 314 Revenue	Operations* Budget (FY92)	FTEs	# of Volunteers/ Interns ('92)	Visitation** Number	Visitation** (Yr)	Fees Charged (Day Use	Fees Charged Camping	Level of*** Development	Rack in/ Rack out
Ackley Lake	160	$4,888	$1,955	$8,080	0.56	0	n/a		$3	$8	SP	y
Canyon Ferry (Indian Road)	15	$1,957	$782	$3,000	0	0	45,926	(1992)	$3	$7	SD	n
Canyon Ferry (WMA)	5,000	$0	$0	$55,000	1.75 *	0	n/a		--	--	P	y
Deadman's Basin	618	$0	$0	$17,682	0.48	0	n/a		---	---	SP	n
Frenchtown Pond	40	$9,590	$3,836	$20,219	0.7	0	20,000	(1992)	$3	--	SD	n
Lake Mary Ronan	76	$9,399	$3,759	$9,739	0.46	2	n/a		$3	$8	SP	n
Logan	18	$15,984	$6,393	$43,700	1.23	2	n/a		$3	$9	SD	n
Lost Creek	25	$5,787	$2,314	$9,765	0.39	0	9,373	(1992)	$3	$8	SD	n
Medicine Rocks	360	$1,088	$435	$8,710	0.26	0	n/a		$3	$7	SP	y
Missouri Headwaters	526	$21,404	$8,561	$24,070	1.12	1	184,367	(1992)	$3	$8	D	n
Painted Rocks	293	$1,621	$648	$7,415	0.2	3	n/a		$3	$8	SD	n
Pirogue Island	210	$0	$0	$400	0	0	n/a		---	---	P	y
Sluice Boxes	1,404	$0	$0	$1,992	0.11	0	n/a		--	--	P	y
Thompson Chain Lks. (FAS)	4,028	$0	$0	$0	included in Logan		n/a		--	--	P	y
Thompson Falls	36	$7,694	$3,077	$10,627	0.53	1	n/a		$3	$8	SD	n
Tongue River Reservoir	642	$37,903	$15,161	$28,284	1.18	0	n/a		$3	$7	SP	n
West Shore	146	$16,411	$9,834	$4,000	0.7	1	15,433	(1992)	$3	$8	SD	n
Wildhorse Island	2,163	$1,714	$685	$9,245	0.5	1	n/a		$3	--	P	y
TOTALS	15,760	$135,440	$57,440	$261,928	10	11	275,099					

* Operations costs may increase 10-15% under HB 354 due to an increase in visitation. This is an assumption based on the fact that people will seek out free recreation if given a choice (i.e. Why camp at Big Arm and pay $9.00 if I can go to West Shore only 18 miles away and camp for free?).

** Can use earned revenu a relative measure of visitation

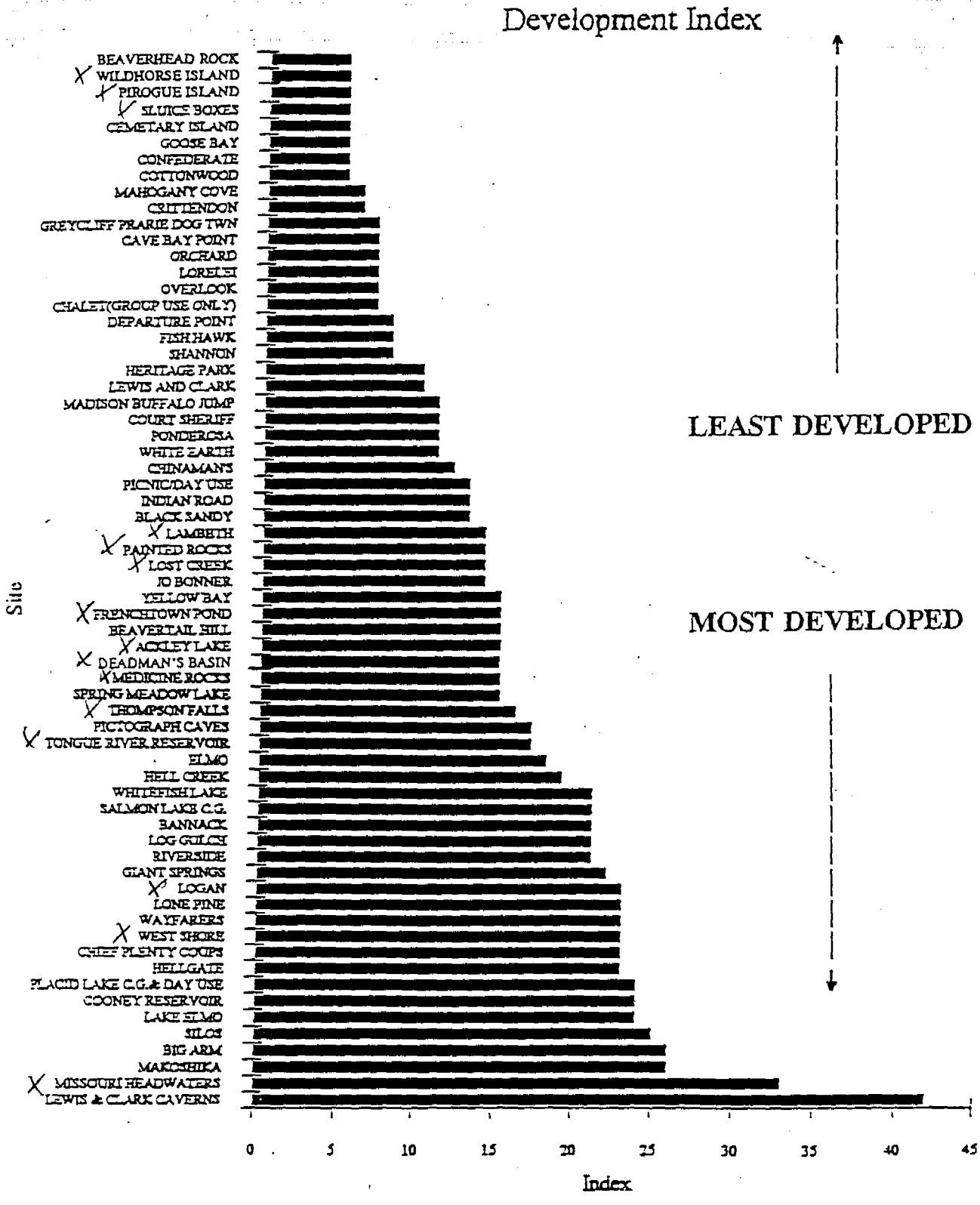
*** P = Primitive - no roads or dirt roads, pit toilet
SP = Semi-primitive - Campsites, gravel roads, pit toilet
SD = Semi-developed - Campsites, boat ramp, pit toilet
D = Developed - Paved roads, flush toilets, campground

The interpretation of level of development was done by staff based on our knowledge of the sites. We also attached a survey done by the University of Montana on level of development.

2-7-93
HB-314

EXHIBIT 10
DATE 2/19/93
HB 314

State Parks Inventory

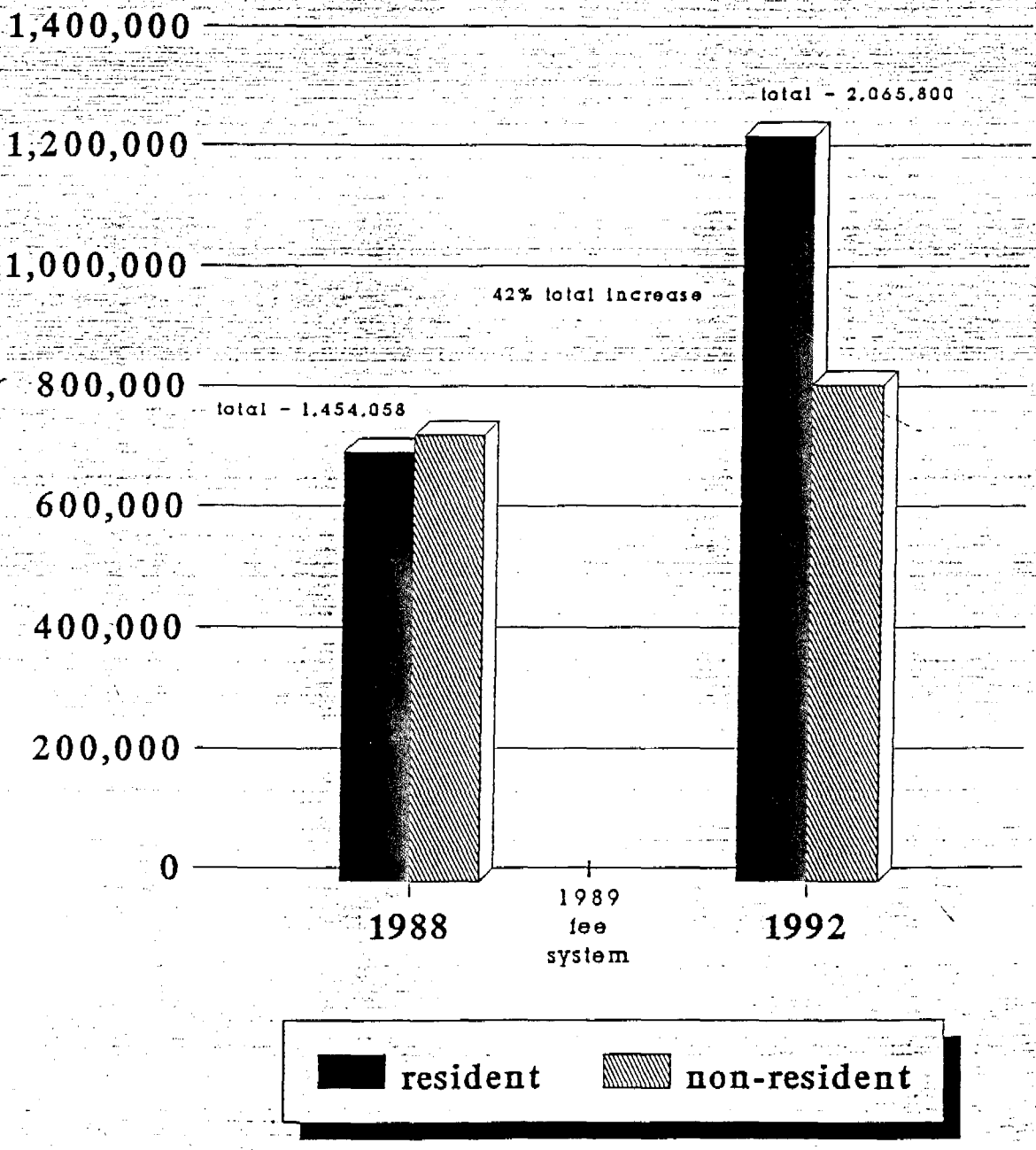


Source: 1992 State Park Attribute Inventory, Institute for Tourism and Recreation Research, University of Montana

DATE 2/9/93
HB 314

Figure 2

Visitation
Montana State Parks



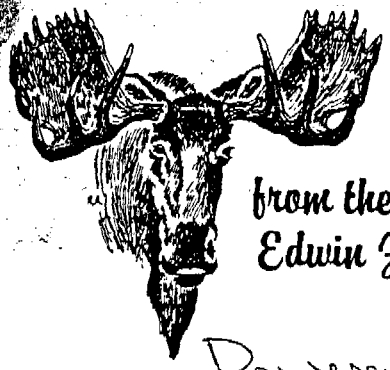
1988 - 1992

EXHIBIT 12
DATE 2/9/93
HB 314

724 Park Lane
Billings - 59102

Feb - 4, 1993

Hearing: Tues - Feb 9, 1993
3pm - Rm 312



from the desk of
Edwin Zaidlicz

Representative Mike Foster - Chairman
House - Fish and Game Committee

Chairman Foster - & Committee members

My name is Ed Zaidlicz - I reside at 724 Park Lane - Billings.

Having served on the Montana State Parks Futures Committee, which produced the report on our state parks system for the 52nd Legislature on Nov. 1, 1990, I wish to go on record as opposing passage of H.B. # 314.

After years of well attended public meetings across Montana, we identified many areas of significant concern for our S.P. system. This expression of public need was reported to the Legislature and Gov. Stephens.

I find HB# 314 incorporates many ideas inconsistent with our findings. To name several, I respectfully ask that you consider the following:

1) Many of the "cat & dog parks" in our system were placed there by well-conceived, parochial legislative action. In many instances, despite objections raised by professional parks employees. We know the public recognizes this and also of their strong desire to be involved in any park designations or status change.

2) We found only a minority of participants who championed the primitive - undeveloped status for parks in general. Montanans recognize the important need for long range (updated) evaluation by professional public servants of FWP, consistent with comprehensive planning reflecting full public participation.

3) We know there is strong support for long term development for several of the 16 candidate parks identified in Sec. 2 of H.B# 314 — i.e. Headwaters (potentially an international destination park), Tongue River (Interstate) and Flathead

demand for direct, hands on recruitment in S.P. planning, retention, disposal, and designation of "their system".

5) Our past failures in the stewardship of our S.P.s rested on our inability to develop and support an adequate professional body of park employees. H.B.# 314 would appear to further emasculate S.P. planning - management responsibility. Significant gains earned by a committed cadre of S.P. professionals over the last 25 years could be jeopardized.

6) Under our current system we have flexibility to permit indigent or financially disadvantaged Montanans to enjoy their parks. We explored the suggested resident/non resident fee structure suggested in Sec 4 of HB# 314 and found it unworkable and counterproductive to the overall Montana Tourism thrust.

We quickly learned that a non resident backlash for what would be perceived to be unfair discrimination in user fees could be significant and not in Montana's economic interest.

7) The enforcement demands of HB# 314 are complex, difficult to administer and ignore the limited capabilities of S.P. budgeted staff.

In summary, HB# 314 largely ignores our committee's recognition of critical problems that have historically plagued our States' unparalleled natural resource treasures - which should provide economic benefits and recreational opportunities for all Montanans and our neighbors.

In my opinion, HB# 314 would only compound the deficiencies of our already inadequate State Park system.

Respectfully,

Ed Bartlett

Chairman Foster & Committee members.

My name is Ed Zaidlicz- I reside at 724 Park Lane, Billings.

Having served on the Montana State Parks Futures Committee, which produced the report on our state parks system for the 52nd Legislature on November 1, 1990. I wish to go on record as opposing passage of House Bill 314.

After a year of well attended public meetings across Montana, we identified many areas of significant concern for our State Parks system. This expression of public need was reported to the Legislature and Governor Stephens.

I find House Bill 314 incorporates many ideas inconsistent with our findings, to name several, I respectfully ask that you consider the following:

1) Many of the "cat & dog parks" in our system were placed there by ill conceived parochial legislative action. In many instances, despite objections raised by professional parks employees. We know the public recognizes this and also of their strong desire to be involved in any park designations or status change.

2) We found only a minority of participants who championed the primitive, undeveloped status for parks in general. Montanans recognize the imperitive need for long range, in depth evaluation by professional public servants of Fish, Wildlife and Parks, consistent with comprehensive planning reflecting full public participation.

3) We know there is strong support for long term development for several of the 16 candidate parks identified in Section 2 of House Bill 314 ie. Headwaters (potentially an international destination park), Tongue River (interstate) and Flathead Lake (Interagency/International.)

4) House Bill 314 appears to circumvent and do mischief to Montanans' demand for direct, hands on involvement in State Parks planning, retain/disposal, and designations of "their system".

5) Our past failures in the stewardship of our State Parks rested on our indifference to developing and supporting an adequate professional body of park employees. House Bill 314 would appear to further emasculate State Park planning, management and responsibility. Significant gains earned by a committed cadre of State Park professionals over the last 2 years could be jeopardized .

6) Under our current system we have flexibility to permit our indigent or financially disadvantaged Montanans to enjoy their parks. We explored the suggested resident/nonresident fee structure suggested in Section 4 of House Bill 314 and found it unworkable and counterproductive

2-9-93
HB-314

to the overall Montana Tourism interest.

7) The enforcement demands of House Bill 314 are complex, difficult to administer and ignore the limited capabilities of State Parks budgeted staff.

In summary, House Bill 314 largely ignores our communities regognition of critical problems that have historically plagued our States' unparalleled natural resource treasures- which should provide economic benefits and recreational opportunities for all Montanans and our neighbors.

In my opinion, House Bill 314 would only compound the difficulties of our already inadequate State Parks system.

Respectfully,

Ed Zaidlicz

EXHIBIT 13
DATE 2/9/93
HB 314

Montana Audubon Legislative Fund

Testimony on HB 314
House Fish & Game Committee
February 9, 1993

Mr. Chairman and Members of the Committee.

My name is Janet Ellis and I appear before you representing the Montana Audubon Legislative Fund. MALF is the lobbying organization of the 2,500 members of the National Audubon Society in our state.

We rise in opposition to this bill for several reasons. In addressing the bill, I will address two components of the bill: 1) the primitive parks concept and 2) the elimination of resident user fees.

Primitive Parks. We like this concept of primitive parks. Instead of statutorily listing the parks in section two, what we would like to see is a process for the Department of Fish, Wildlife and Parks to designate primitive parks. We're not sure how the list in Section 2 was arrived at. We think that there should potentially be other parks in the system, such as Rosebud Battlefield and Beaverhead Rock. We would prefer to see the decision of what qualifies as a "primitive park" rest with the Fish, Wildlife and Parks Commission.

Elimination of Resident User Fees. Our park system is in poor financial shape. We lack adequate resources to maintain basic services such as maintenance of restrooms and garbage removal. Fees were initiated by the 1989 Montana Legislature. We supported those fees - and continue to support those fees - as a way to have users contribute to the park system, a park system that is desperately in need of funding. We will continue to support those fees until other funding of our parks can be found for basic maintenance of our parks. There are two additional reasons we oppose elimination of resident user fees:

1) If people are forced to pay for something, they are more careful users of that resource. As a result, park fees help cut down on vandalism. $12 $15

2) If the purpose of this section is to allow low income people the opportunity to use our park system, we would rather use a "low income" park pass system established.

3) We're concerned about the concept of primitive park being tied to having no user fees. In some cases we would like to see a park be classified as "primitive", but fees could potentially be charged (such as Rosebud Battlefield).

If we could afford to allow people to use parks for free, that would be wonderful. We do not feel that Montana can afford this right now.

Thank you very much for listening to our concerns.

4) Another option might be to use coordinating language with any other bills that might fund parks this session.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME COMMITTEE BILL NO. 314

DATE 2/9/93 SPONSOR(S) Raney

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Janet Ellis	MT Audubon		✓
Mark Daspit	Ed Zaidlicz		✓
Steve Frazier	Trout Unlimited		X
Jeffrey T. Hagel	FWP		
Cedric Burns	Montana Land Reliance		X
Dan Kemmis	Governor's Office		X
Clint Blackwood	Trout Unlimited		X
Pat Graham	FWP		
[illegible]	[illegible]	✓	
[illegible]	[illegible]	✓	
Doug Habermann	FWP		
[illegible]	[illegible]		
[illegible]	[illegible]	X	
Cecelia Ochenski	MT-ST. PKS. FNDATION ACTION FUND	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

_____ COMMITTEE BILL NO. 314

DATE _____ SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Clyde Dailey	MSCA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

REP. DICK KNOX declared he did not support the bill.

REP. SCOTT ORR remarked that the legislation seemed premature.

Vote: **ROLL CALL VOTE DO PASS HB 354 AS AMENDED.** Motion failed 10 to 6 with **REPS. REAM, BARNHART, DAILY, MOLNAR, RYAN,** and **SWANSON** voting yes.

Motion/Vote: **REP. HANSON MOVED HB 354 BE TABLED.** Motion carried 15 to 1 with **REP. BARNHART** voting no.

EXECUTIVE ACTION ON HB 314

Motion: **REP. KNOX MOVED HB 314 DO PASS.**

Discussion:

REP. KNOX declared his support of the bill.

Motion: **REP. HANSON MOVED HB 314 BE AMENDED.**

Discussion:

Mr. Sternberg circulated a copy of **REP. RANEY's** proposed amendments **(EXHIBIT 12)**. The amendments remove penalties for nonresidents who use primitive parks without paying, make codifying changes in the title, and remove the south end of Canyon Ferry Reservoir management area from consideration as a primitive park.

Vote: **AMENDMENTS DO PASS.** Motion carried unanimously.

Motion: **REP. ORR MOVED TO REMOVE LOGAN STATE PARK AND THOMPSON CHAIN-OF-LAKES STATE PARK FROM CONSIDERATION.** He explained that Champion donated the land to the State of Montana. A solution is in the final stages of what to do with the park. It will be handled as a fishing access site and basically left alone. He felt designating the area as a primitive park would affect the current process.

Discussion:

REP. SWANSON asked **REP. ORR** how the process would be changed. **REP. ORR** stated there were many uncertainties regarding the final plan for the area. **REP. SWANSON** asked for confirmation regarding the plan of leaving the area as it is. **REP. ORR** said that it will be left as is for the time being, but as a fishing access site not a state park.

REP. ELLIOTT asked **Mr. Olson** to address **REP. ORR's** concern regarding Logan State Park and Chain-of-Lakes. **Mr. Olson** explained that boat ramps and boat parking areas will be constructed to meet requirements of a fishing access site. HB 314 prohibits further development of a designated park.

REP. WAGNER remarked that there is an advisory council working on solutions, funding sources, and rules for the Chain-of-Lakes area. He supports **REP. ORR's** amendment.

REP. REAM explained that the only developments specifically prohibited in HB 314 relate to development for RV's, new roads, and electricity. He asked **REP. ORR** if these were being discussed for the Chain-of-Lakes area. **REP. ORR** said yes. There is a lot of private land dispersed around the lakes, and there are many concerns regarding grazing, hunting, and the loon survival.

REP. WAGNER asked **Mr. Ochenski** if Thompson Chain-of-Lakes was indeed a state park. **Mr. Ochenski** explained that when the bill was drafted it was going to be a state park. However, due to funding difficulties, the FWP Department changed it to a fishing access site which allowed them access to Dingell-Johnson federal funds. If the committee decided to remove it, that would be acceptable.

Vote: **DO PASS REP. ORR's AMENDMENT.** Motion carried unanimously.

Motion: **REP. HIBBARD MOVED TO REMOVE HEADWATERS STATE PARK FROM CONSIDERATION.**

Discussion:

CHAIRMAN FOSTER commented that the Headwaters State Park is a beautiful place. He compared the park with the Sluice Boxes State Park. He felt Sluice Boxes State Park was an ideal candidate for HB 412.

REP. REAM asked **Mr. Graham** if developments relating to RV development, electricity, or new roads were being considered for the Headwaters State Park. **Mr. Graham** said that he is unsure of the future plans for that park. He explained that there is a lack of funds. He stated that the main issue was what site should or should not be included for consideration.

REP. SWANSON said that the original intent of the bill was to create a type of park which will be considered as a primitive park. The purpose is to leave it undeveloped. She wondered if consideration of the parks should be made during the development process. **REP. SWANSON** explained that she does not want the committee to lose sight of the concept of primitive parks.

REP. BARNHART felt that Headwaters State Park should remain as is and that the people in the surrounding area should be able to visit without paying a fee.

REP. HANSON said she agreed with **REP. HIBBARD.**

REP. MCCARTHY felt that one issue is whether or not a park should remain in its current state or be further developed. The other

issue is whether or not Montana citizens should have free access. She does not want to see the park developed further.

REP. ELLIOTT believed that the issue was whether or not to stop developing these parks further. Headwaters State Park is an interesting historical park. He explained this piece of land belonged to all people. He opposes the motion to remove the park.

CHAIRMAN FOSTER felt that most of the parks were ideal candidates for HB 412. It would be easier to remove the park now than to try and remove it in the future.

Vote: **ROLL CALL VOTE DO PASS REP. HIBBARD's AMENDMENT.** Motion failed 9 to 7 with **REPS. HIBBARD, CLARK, GRIMES, HANSON, ORR, WAGNER,** and **FOSTER** voting yes.

Motion: **REP. MCCARTHY MOVED HB 314 DO PASS AS AMENDED.**

Discussion:

Mr. Sternberg distributed copies of FWP Department proposed amendments **(EXHIBIT 13)**. The amendments would exempt changes that would be necessary for the disabled and for historic or cultural purposes, provide a sunset date, and allow the decision of elimination of user fees to remain with the commission.

REP. DAILY asserted that the committee should vote on the bill as it is.

REP. MCCARTHY asked if through the Department's amendments the user fees will be eliminated. **Mr. Sternberg** explained that the user fees would remain intact.

Vote: **HB 314 DO PASS AS AMENDED.** Motion carried 12 to 4 with **REPS. WAGNER, CLARK, ORR,** and **GRIMES** voting no.

EXECUTIVE ACTION ON HB 369

Motion: **REP. HANSON MOVED HB 369 DO PASS.**

Motion: **REP. HIBBARD MOVED HB 369 BE AMENDED.**

Discussion:

REP. HIBBARD distributed a copy of proposed amendments **(EXHIBIT 14)**. He explained that the amendments take 20% of the money obtained under the habitat acquisition program and designate it for administrative purposes. The remaining funds are divided into thirds: one-third would be allocated for leases, easements, and cooperative management agreements; one-third would be allocated for fee title, and the no net gain provision would be removed; and one-third would become available for grants to

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Mr. Speaker: We, the committee on Fish and Game report that House Bill 314 (first reading copy -- white) do pass as amended.

Signed: Mike Foster

Mike Foster, Chair

And, that such amendments read:

1. Title, line 6.
Following: "PARKS;"
Insert: "AND"

2. Title, lines 7 through 10.
Strike: ";" on line 7 through "MCA" on line 10.

3. Page 2, line 15.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

4. Page 3, line 1.
Following: "park;"
Insert: "and"

5. Page 3, lines 2 through 5.
Strike: ";" on line 2 through "park" on line 5

6. Page 4, lines 16 and 17.
Strike: "and" on line 16 through "charges" on line 17

7. Page 4, line 18 through page 6, line 3.
Strike: section 5 in its entirety
Renumber: subsequent section

-END-

Committee Vote:
Yes 6, No 4.

HOUSE OF REPRESENTATIVES

FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 2/16/93 BILL NO. 314 NUMBER 6

MOTION: Delete Headwaters State Park pg 3 line 2

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN REAM		✓
REP. BARNHART		✓
REP. CLARK	✓	
REP. DAILY		✓
REP. ELLIOT		✓
REP. GRIMES	✓	
REP. HANSON	✓	
REP. KNOX		✓
REP. MCCARTHY		✓
REP. MOLNAR		✓
REP. ORR	✓	
REP. RYAN		✓
REP. SWANSON		✓
REP. WAGNER	✓	
CHAIRMAN FOSTER	✓	

7 9

EXHIBIT 10
DATE 2/16/93
HB 314

Amendments to House Bill No. 314
White Reading Copy

Requested by Rep. Raney
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 5, 1993

1. Title, line 6.
Following: "PARKS;"
Insert: "AND"

2. Title, lines 7 through 10.
Strike: ";" on line 7 through "MCA" on line 10.

3. Page 2, line 15.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

4. Page 3, line 1.
Following: "park;"
Insert: "and"

5. Page 3, lines 2 through 5.
Strike: ";" on line 2 through "park" on line 5

6. Page 4, lines 16 and 17.
Strike: "and" on line 16 through "charges" on line 17

7. Page 4, line 18 through page 6, line 3.
Strike: section 5 in its entirety
Renumber: subsequent section

DATE 2/10/93
HB 314

Amendments to House Bill No. 314
White Reading Copy

Requested by Pat Graham, FWP
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
February 10, 1993

1. Title, lines 6 and 7.
Strike: "ELIMINATING" on line 6 through "PARKS;" on line 7

2. Title, line 9.
Strike: "AND"

3. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

4. Page 1.
Strike: lines 23 through 25 in their entirety

5. Page 2, lines 6 and 12.
Strike: "4"
Insert: "3"

6. Page 3, line 19.
Strike: "and"

7. Page 3, line 24.
Following: "trash"
Insert: ";
(f) improvements necessary to ensure compliance with the federal Americans With Disabilities Act; and
(g) improvements necessary to provide for historic and cultural preservation"

8. Page 4, line 8 through line 17.
Strike: Section 4 in its entirety
Renumber: subsequent sections

9. Page 6, lines 5 and 8.
Strike: "4"
Insert: "3"

10. Page 6, line 9.
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates October 1, 1995."